

**REMARKS**

Claims 1-8 are all the claims pending in the application. Claim 1 is amended. Claims 9-11 are newly added. Applicant respectfully submits that claims 9-11 are amply supported by the present disclosure, and add no impermissible new matter.

***Claim Objections***

The Examiner objects to claim 1 due to certain informalities. Claim 1 is hereby amended to address the Examiner's objection. Accordingly, Applicant respectfully requests that the Examiner withdraw the objection to claim 1.

***Claim Rejections Under 35 U.S.C. § 112***

Claim 1 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicant traverses this rejection for at least the following reasons.

The Examiner contends that use of the term "may" renders claim 1 indefinite. Applicant hereby amends claim 1 to remove the term "may." Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection.

***Claim Rejections Under 35 U.S.C. § 101***

Claims 1-8 stand rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. Applicant traverses this rejection for at least the following reasons.

Regarding the application of 35 U.S.C. § 101 in this instance, Applicant directs the Examiner to the USPTO Guidelines revised subsequent to the decision in Ex parte Lundgren,

Appeal No. 2003-2088 (Bd. Pat. App. & Int. 2005), available at <http://www.uspto.gov/web/offices/dcom/bpai/prec/2003-2088.pdf>. Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, 1300 Off. Gaz. Pat. Office 142 (Nov. 22, 2005), available at <http://www.uspto.gov/web/offices/com/sol/og/patgupa.htm> (“Guidelines”).

The Guidelines support the reasoning of the Federal Circuit in finding that “useful, concrete and tangible result[s]” comprise such results as a “smooth waveform,” “the condition of a patient’s heart,” and “a final share price.” See Guidelines, at ANNEX II(B)(ii).

The Examiner contends that claim 1 recites merely an “abstract idea,” which is non-statutory subject matter. The Examiner states that “it appears that the generated result is stored in memory, instead of being output to other devices for controlling purpose or any other functions.”

Claim 1 is hereby amended to require “outputting a signal indicating the carrier frequency assigned to the signal to be transmitted.” Like the result claimed in Alappat, the result of the method of amended claim 1 “is not a disembodied mathematical concept which may be characterized as an ‘abstract idea,’” because it enables the physical act of transmitting a signal at the indicated carrier frequency. Guidelines, at ANNEX II(B)(ii) (quoting In re Alappat, 33 F.3d 1526, 1544).

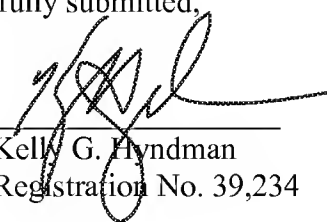
Applicant therefore submits that claim 1 as amended recites statutory subject matter. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of amended independent claim 1 and its dependent claims 2-8.

*Conclusion*

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Applicant herewith petitions the Director of the USPTO to extend the time for reply to the above-identified Office Action for an appropriate length of time if necessary. Unless a check is attached, any fee due under 37 U.S.C. § 1.17(a) is being paid via the USPTO Electronic Filing System (EFS). The USPTO is also directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
\_\_\_\_\_  
Kelly G. Hyndman  
Registration No. 39,234

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: April 18, 2007